

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Health Services v. Margarita Sobieski, R.N.

License No. R-38494

760 Atlantic Street)

) as of May 18, 1988

Bridgeport, CT 06604)

1988-0322-010-013

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing ("Board") was presented by the Department of Health Services ("Department") with a Statement of Charges dated April 11, 1988.

The Statement of Charges allege violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing dated April 19, 1988. The hearing took place on May 19, 1988, National Guard Armory, Maxim Road, Room 112, Hartford, Connecticut.

Each member of the Board involved in this decision certifies that he/she was present at the hearing and/or reviewed the record and that this decision is based entirely on the record and their specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence at the hearing, the Board made the following findings of fact:

1. Margarita Sobieski, respondent, was at all pertinent times licensed as a registered nurse with registration number R38494.
2. Pursuant to Connecticut General Statutes, Section 4-182(c), respondent was provided full opportunity, prior to the initiation of agency action, to show compliance with all the terms for the retention of her license.
3. Respondent received notification of the time and place of the hearing by Certified Mail (Return Receipt Requested #410 484 261); however, respondent failed to appear or file an answer, and the hearing was held as scheduled.
4. In a Memorandum of Decision ("MOD") dated September 16, 1987, the Board placed respondent on probation for one year with the condition that she submit monthly employer and licensed therapist reports documenting her ability to work in a drug free state; she was also required to submit monthly negative random drug screens. The MOD resulted from prior disciplinary hearings by the Board on actions similar to those described here. The probationary period began October 1, 1987.
5. In and following January 1988, respondent worked as a registered nurse at Dinan Memorial Center ("Dinan"), Bridgeport, Connecticut.
6. During and following January 1988 respondent diverted to herself the controlled substance Vicodin.
7. During and following January 1988 respondent abused/or utilized to excess Vicodin while on duty.

8. During and following January 1988 respondent failed to completely or properly or accurately make documentations in patient medical or hospital records.

9. During and following January 1988 respondent falsified more than one Controlled Substance Receipt Record.

DISCUSSION AND CONCLUSIONS

The First Count, subsection 3(a), alleges that on or about January 1988, while employed as a registered nurse at Dinan, respondent diverted to herself the controlled substance Vicodin.

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(2)(1987) which includes: "illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

In Drug Control Agent Sandra C. Fagan's report, respondent admitted this charge and voluntarily gave a written statement to that effect. (Department Exhibit 4, p.12).

The Board concludes respondent has violated Connecticut General Statutes Section 20-99(b)(2).

The Second Count, subsection 3(b), alleges that on or about January 1988, while employed as a registered nurse at Dinan, respondent abused or utilized to excess the controlled substance Vicodin.

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(5)(1987) which includes: "abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Respondent admits to this charge. (Department Exhibit 4, p.12). The Board concludes respondent has violated Connecticut General Statutes Section 20-99(b)(5).

The Third Count, subsection 3(c), alleges that on or about January 1988, while employed as a registered nurse at Dinan, respondent abused or utilized to excess the controlled substance Vicodin while on duty as a nurse.

This conduct is a violation of Connecticut General Statutes Section 20-99(b)(2) and (5)(1987) which include: "(2) illegal conduct, incompetence, or negligence in carrying out usual nursing functions....," "(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

Respondent admits to this charge. (Department Exhibit 4, p.13). The Board concludes that respondent has violated Connecticut General Statutes Sections 20-99(b)(2) and (5).

The Fourth Count, subsection 3(d), alleges that on or about January 1988, while employed as a registered nurse at Dinan, respondent failed to completely or properly or accurately make documentations in the medical or hospital records.

This conduct violates Connecticut General Statutes Section 20-99(b)(2) (1987) which includes: "illegal conduct, incompetence or negligence in carrying out usual nursing functions...."

Due to insufficient evidence, the Board cannot conclude that respondent has violated Connecticut General Statutes Section 20-99(b)(2) in this regard.

The Fifth Count, subsection 3(e), alleges that on or about January 1988, while employed as a registered nurse at Dinan, respondent falsified one or more Controlled Substance Receipt Records.

This conduct violates Connecticut General Statutes Section 20-99(b)(2), (6), and (7) (1987) which include: "(2) illegal conduct, incompetence or negligence in carrying out usual nursing functions....," "(6) fraud or material deception in the course of professional services....," "(7) wilful [sic] falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient...."

Respondent admits to this charge. (Department Exhibit 4, pg. 11).

The Board concludes respondent has violated Connecticut General Statutes Sections 20-99(b)(2), (6), and (7).

ORDER

It is the decision of the Board of Examiners for Nursing that:

a. the license of respondent be revoked, determined as follows:

- i) for the First Count, subsection 3(a), respondent's license is to be revoked;
- ii) for the Second Count, subsection 3(b), respondent's license is to be revoked;
- iii) for the Third Count, subsection 3(c), respondent's license is to be revoked;
- iv) for the Fifth Count, subsection 3(e), respondent's license is to be revoked;

b. Respondent, Margarita Sobieski, license number R38494, is directed to surrender her license on or before August 15, 1988 to the Board of Examiners for Nursing, 150 Washington Street, Hartford, Connecticut, 06106.

The Board shall inform the Department of this decision.

Dated at *Hartford*, Connecticut, this *21st* day of *June*, 19*88*

BOARD OF EXAMINERS FOR NURSING

BY *Scott June M. Thurgely RN*
Chairman
Board of Examiners for Nursing

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